

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
MAY 5, 2009
7:02 P.M.**

ROLLCALL Answering rollcall were Members Bennett, Brindle, Swenson and Mayor Hovland. Absent at rollcall was Member Housh.

CONSENT AGENDA ITEMS APPROVED Motion made by Member Swenson and seconded by Member Bennett approving the Council Consent Agenda.

Rollcall:

Ayes: Bennett, Brindle, Swenson, Hovland

Motion carried.

INTRODUCTION MADE Mayor Hovland introduced and welcomed Jackson Swadi, a Councilor from Nairobi City, Kenya, and presented him with a commemorative Edina clock. The Honorable Swadi described Nairobi City constituents, its form of governance, and extended appreciation to the Edina Rotary Club for its assistance to Nairobi City.

NINE MILE CREEK WATERSHED DISTRICT BOOK PRESENTED Bob Kojetin, Nine Mile Creek Watershed District Board Manager, presented the Council with copies of the District's 50-year history book and described its contents.

PRESERVATION MONTH PROCLAIMED – MAY 2009 Mayor Hovland read a proclamation declaring the month of May, 2009, as Preservation Month. **Member Bennett made a motion, seconded by Member Swenson, to adopt Preservation Month Proclamation.**

Ayes: Bennett, Brindle, Swenson, Hovland

Motion carried.

Arlene Forrest, Heritage Preservation Board Vice Chair, accepted the Proclamation.

Associate Planner Repya announced the Coddington House was recipient of the 2009 Heritage Preservation Award. Mayor Hovland presented the 2009 Heritage Preservation Award to Robert Sauer and Robert Zoller and commended their work preserving the Coddington House. Mr. Sauer, 300 Blake Road, described the renovation work undertaken since purchasing the Coddington House in 1989.

***MINUTES - REGULAR MEETING OF APRIL 21, 2009, AND STUDY SESSION OF APRIL 28, 2009, APPROVED** Motion made by Member Swenson and seconded by Member Bennett approving the minutes of the Regular Meeting of April 21, 2009, and Study Session of April 28, 2009.

Motion carried on rollcall vote – four ayes.

RESOLUTION NO. 2009-48 ADOPTED ORDERING NEIGHBORHOOD STREET RECONSTRUCTION – ST. JOHN'S PARK NEIGHBORHOOD IMPROVEMENT NO. BA-357
Affidavits of Notice presented and ordered placed on file.

Consulting Engineer Presentation

Chad Millner, Consulting Engineer with SEH, Inc., presented the findings of the feasibility report for the St. John's Park Neighborhood street reconstruction and utility improvement projects. He stated the overall project cost was estimated at \$3,000,350. Mr. Millner stated the street improvement costs in the amount of \$1,793,350 would be funded from special assessments. Each property would be assessed one REU (Residential Equivalent Unit) in the estimated amount of \$10,500. City-owned utility repairs for sanitary sewer, water main, and storm sewer were estimated to cost \$1,207,000. Mr. Millner presented the project schedule and stated staff had analyzed the project,

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felt it was necessary, cost-effective, and feasible from an engineering standpoint. The Council asked questions of staff and discussed the project.

Mayor Hovland opened the public hearing at 7:40 p.m.

Public Testimony

Jim Sipprell, 5929 St. John's Avenue, addressed the Council and presented a petition signed by 76 out of 184 households that requested a project delay.

Nancy Cummings, 5913 St. John's Avenue, addressed the Council.

Steve Melin, 5816 St. John's Avenue, addressed the Council.

Mike Klein, 5901 Ashcroft Avenue, addressed the Council.

Bruce Pladson, 5941 St. John's Avenue, addressed the Council.

Charles Eicher, 5821 Fairfax Avenue, addressed the Council.

Ray O'Connell, 4612 Valley View Road, addressed the Council.

Rita Paris, 6020 Fairfax Avenue, addressed the Council.

Alison Benyas, 5813 Ashcroft Avenue, addressed the Council.

Member Swenson made a motion, seconded by Member Bennett, to close the public hearing.

Ayes: Bennett, Brindle, Swenson, Hovland

Motion carried.

The Council asked staff to answer questions raised during the public hearing and discussed the timing and merits of this project.

Member Swenson introduced Resolution No. 2009-48, St. John's Park Neighborhood Street Reconstruction Improvement No. BA-357. Member Bennett seconded the motion.

The Council commented on the importance of maintaining the City's infrastructure to a standard that assured residents' health and safety.

Rollcall:

Ayes: Bennett, Brindle, Swenson, Hovland

Motion carried.

RESOLUTION NO. 2009-49 ADOPTED APPROVING CONDITIONAL USE PERMIT – EDINA PUBLIC SCHOOLS, COUNTRYSIDE ELEMENTARY SCHOOL, 5701 BENTON AVENUE

Affidavits of Notice presented and ordered placed on file.

Planner Presentation

Planning Director Teague presented the request of Edina Public Schools for a Conditional Use Permit at Countryside Elementary School to increase the number of parking stalls on the east side and reconfigure the bus parking area. He advised the Nine Mile Creek Watershed District had approved the drainage plan and that landscaping to the south side was deemed acceptable. Mr. Teague stated with regard to lighting, a photometric was prepared that demonstrated compliance. Staff and the Planning Commission recommended approval of the application subject to six conditions as detailed in the draft resolution. The Council asked questions of staff about the application and continued review of the lighting plan.

Proponent Presentation

Jonathan Duesman, Anderson Johnson Associates, representing the proponent, described the proposed east parking lot expansion, re-striping of parking spaces, circulation pattern, and drop-off area that would create a safe environment for students. He presented details of the project, rain garden, and creation of additional green space. It was noted the focus of Anderson Johnson Associates had been with school district projects so the firm was familiar with the safe and successful integration of rain gardens.

The Council asked questions of Mr. Duesman and staff, and discussed aspects of the project and draft resolution for approval with conditions.

Mayor Hovland opened the public hearing at 8:45 p.m.

Public Testimony

Molly Urbanski, 5800 Stuart Avenue, addressed the Council and presented a petition that contained 24 written and electronic signatures requesting in-depth traffic and safety studies.

Polly Glieden, 5515 Grove Street, addressed the Council.

Ray O'Connell, 4612 Valley View Road, addressed the Council.

Robert Bredt, 5704 Benton Avenue, addressed the Council.

Raymond Voss, 5716 Benton Avenue, addressed the Council.

Peyton Robb, 4812 Valley View Road, Edina School Board Member, addressed the Council.

Julie Hatzung, Countryside Elementary School Principal, addressed the Council.

The Council asked questions of Mr. Robb and Ms. Hatzung about the project.

Betty Krieter, 5808 Amy Drive, addressed the Council.

Member Swenson made a motion, seconded by Member Brindle, to close the public hearing.

Ayes: Bennett, Brindle, Swenson, Hovland

Motion carried.

Member Bennett introduced Resolution No. 2009-49, approving a Conditional Use Permit for a parking lot expansion at Countryside School located at 5701 Benton Avenue for Edina Public Schools with the following conditions:

- 1. The site must be developed and maintained in conformance with the following plans:**
 - Site plan date stamped February 27, 2009, and revised plan date stamped April 30, 2009, showing the cedar fence and five additional parking spaces.
 - Grading plan date stamped February 27, 2009.
 - Landscaping plan date stamped February 27, 2009
 - Finishing plans date stamped February 27, 2009
- 2. A grading permit is required for the improvements.**
- 3. A lighting plan must be submitted with the grading plan, and must meet all minimum zoning ordinance requirements.**
- 4. All conditions required by the City Engineer in his review memo dated April 2, 2009.**
- 5. The dumpster area must be screened from view by the residential properties.**
- 6. The Traffic Safety Coordinator shall review the traffic patterns and parking around the school.** Member Swenson seconded the motion.

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The Council discussed that the project partially addressed needed safety enhancements, lighting standards were under advisement by the Planning Commission, and other expressed concerns related to the School District.

Rollcall:

Ayes: Bennett, Brindle, Swenson, Hovland

Motion carried.

RESOLUTION NO. 2009-50 ADOPTED UPHOLDING HERITAGE BOARD DECISION – CASE NO. H-09-2, 4602 BRUCE AVENUE Affidavits of Notice presented and ordered placed on file.

Associate Planner Presentation

Ms. Repya presented Heritage Preservation Board's actions leading to the approval of a Certificate of Appropriateness allowing construction of a new home at 4602 Bruce Avenue. Ms. Repya reported the Heritage Preservation Board's decision had been appealed to the City Council.

Appellant Presentation

Kitty O'Dea, 4610 Bruce Avenue, presented an appeal to the decision of the Heritage Board based on her rationale that the 70 foot wall was too long for the 130 foot site, design alternatives had not been fully considered, the decision was subjective versus objective, key criteria had not been defined, and resident input had not been considered. She spoke of an alternative to create an angled garage. Ms. O'Dea opined that the Heritage Preservation Board's decision was made on criteria that did not exist and the proposed house was too big for the lot.

Respondent Presentation

Andy Porter, 6125 Westridge Boulevard, stated the existing rambler's lot coverage was 38 percent and the proposed Tudor Revival home lot coverage would be 30 percent. He displayed pictures of the proposed home and reviewed the timeline over the past six months that ended with the unanimous approval by the Heritage Preservation Board on April 14, 2009. Mr. Porter requested the Council uphold the Heritage Preservation Board's decision.

The Council asked questions of Mr. Porter.

Mayor Hovland opened the public hearing at 9:40 p.m.

Public Testimony

David Anderson, 4603 Casco Avenue, addressed the Council.

Victoria Slomiany, 4604 Bruce Avenue, addressed the Council.

Jerry Carroll, attorney for owner of 4602 Bruce Avenue, addressed the Council.

Member Swenson made a motion, seconded by Member Brindle, to close the public hearing.

Ayes: Bennett, Brindle, Swenson, Hovland

Motion carried.

The Council asked questions of staff and Mr. Porter and discussed the facilitation of Plan of Treatment guidelines. The Council noted the May 1, 2009, letter from Heritage Preservation Board Chairman Rofidal and discussed conditions of approval.

Member Brindle introduced Resolution No. 2009-50, upholding the Heritage Preservation Board's approval of a Certificate of Appropriateness for a new home and attached garage at 4602 Bruce Avenue, subject to the following conditions:

- 1. The plans presented, with no future expansion of the floor area allowed;**
- 2. Measures must be taken to protect the stand of trees along the rear property line during construction;**
- 3. A year-built plaque must be displayed on the home;**

4. A sign showing a rendering of the approved home displayed in the front yard; and
5. The HVAC unit must be located in the rear yard. Member Bennett seconded the motion.
Ayes: Bennett, Brindle, Swenson, Hovland
Motion carried.

PUBLIC COMMENT

No one appeared to comment.

***AWARD OF BID – ANNUAL PURCHASE OF PAPER – ABOUT TOWN** Motion made by Member Swenson and seconded by Member Bennett awarding the bid for paper for four issues of the City's quarterly newsletter, *About Town*, to the recommended low bidder, Anchor Paper Company at \$31,484.85.

Motion carried on rollcall vote – four ayes.

***AWARD OF BID – SOUTH GARDEN ESTATE STREET RECONSTRUCTION – CONTRACT ENG 09-7** Motion made by Member Swenson and seconded by Member Bennett awarding the bid for South Garden Estates Neighborhood Reconstruction: Contract No. ENG 09-7 Improvement Nos. BA-358, STS-353, SS-446, WM-486 to the recommended low bidder, Midwest Asphalt at \$696,731.40.

Motion carried on rollcall vote – four ayes.

***AWARD OF BID – PROMENADE PHASE 2 IMPROVEMENT – CONTRACT ENG 09-5** Motion made by Member Swenson and seconded by Member Bennett awarding the bid for Promenade Improvements – Phase II: Contract No. ENG 09-5 Improvement Nos. S-102, BA-364, STS-363, BR-5, FO-005 to the recommended low bidder, Lunda Construction at \$1,927,638.50.

Motion carried on rollcall vote – four ayes.

***AWARD OF BID – JULY 4, 2009 FIREWORK DISPLAY – ROSLAND PARK** Motion made by Member Swenson and seconded by Member Bennett awarding the bid for 4th of July Fireworks Display at Rosland Park to the recommended low bidder, RES Specialty Pyrotechnics at \$15,000.00.

Motion carried on rollcall vote – four ayes.

ORDINANCE NO. 2009-7 ADOPTED AMENDING SECTION 180 Attorney Knutson presented two drafts of the ordinance amendment, the first version not applying attendance requirements to meetings of the whole and the second version exempting only special meetings. The Council asked questions of Mr. Knutson and indicated support of the first version. **Member Swenson made a motion to grant First Reading and waive Second Reading adopting Ordinance No. 2009-7 Amending the City Code Concerning Removal of Members of Boards, Commissions and Committees.** Member Bennett seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Swenson, Hovland

Motion carried.

RESOLUTION NO. 2009-47 ADOPTED ACCEPTING VARIOUS DONATIONS Mayor Hovland explained that in order to comply with State Statutes; all donations to the City must be adopted by Resolution and approved by four favorable votes of the Council accepting the donations. **Member Brindle introduced Resolution No. 2009-47 accepting various donations.** Member Bennett seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Swenson, Hovland

Motion carried.

BOARDS & COMMISSIONS APPOINTMENTS Mayor Hovland made a motion, seconded by Member Bennett, to appoint John Swon to the Art Center Board to a term ending February

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1, 2011, and Brad Montgomery to the Community Health Committee to a term ending February 1, 2010.

Ayes: Bennett, Brindle, Swenson, Hovland

Motion carried.

REAPPOINTMENT OF STUDENT MEMBERS TO BOARDS & COMMISSIONS The Council asked questions of staff and discussed the reappointment of students to a one-year term starting in September. Consensus was reached to further visit the appointment strategy, to solicit applications earlier in the year, and maintain a one-year appointment cycle. It was noted that one student appointment remained open on the Planning Commission and applications would be solicited. **Mayor Hovland made a motion, seconded by Member Brindle, to reappoint Sharanya Srinivasan to the Art Center Board, Dolan Lee to the Community Health Committee, Hailey Lee to the Energy & Environment Commission, Elizabeth Montgomery to the Heritage Preservation Board, Shara Mohtadi to the Human Rights and Relations Commission, Benjamin Fox Pobuda to the Park Board, and Julie Sierks to the Transportation Commission, for terms beginning September 1, 2009.**

Ayes: Bennett, Brindle, Swenson, Hovland

Motion carried.

***CALVARY CHRISTIAN REFORMED CHURCH, 5300 FRANCE AVENUE, CITY OF EDINA ACCESS EASEMENT AGREEMENT APPROVED** Motion made by Member Swenson and seconded by Member Bennett to approve the Access Easement Agreement with Calvary Christian Reformed Church, 5300 France Avenue South.

Motion carried on rollcall vote – four ayes.

***CONFIRMATION OF CLAIMS PAID** Motion made by Member Swenson and seconded by Member Bennett approving payment of the following claims as shown in detail on the Check Register dated April 23, 2009, and consisting of 30 pages: General Fund \$394,829.15; Communications Fund \$8,273.65; Police Special Revenue \$2,708.00; Working Capital Fund \$7,437.01; Art Center Fund \$2,849.35; Golf Dome Fund \$1,555.29; Aquatic Center Fund \$111.68; Golf Course Fund \$43,042.86; Ice Arena Fund \$12.37; Edinborough/Centennial Lakes Fund \$29,483.57; Liquor Fund \$165,356.72; Utility Fund \$78,142.80; Storm Sewer Fund \$7,925.00; PSTF Agency Fund \$1,379.45; **TOTAL \$743,106.90** and for approval of payment of claims dated April 30, 2009, and consisting of 31 pages: General Fund \$147,924.89; Communications Fund \$5,844.77; Police Special Revenue \$882.85; Working Capital Fund \$27,787.26; Art Center Fund \$29,299.30; Aquatic Center Fund \$858.87; Golf Course Fund \$27,216.23; Ice Arena Fund \$1,774.91; Edinborough/Centennial Lakes Fund \$18,549.98; Liquor Fund \$120,641.01; Utility Fund \$63,105.17; Storm Sewer Fund \$293.56; PSTF Agency Fund \$2,566.70; **TOTAL \$446,745.50** and Credit Card Transactions dated February 26, 2009 to March 25, 2009: **TOTAL \$5,816.45.**

Motion carried on rollcall vote – four ayes.

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 10:35 p.m.

Respectfully submitted,

Debra A. Mangen, City Clerk

Minutes approved by Edina City Council, May 19, 2009.

James C. Hovland, Mayor

Video Copy of the May 5, 2009, meeting available.